

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

GREGORY W. MARINACCI,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant

Civil No. C04-5657-KLS

ORDER OF REMAND

Based upon the Stipulation between the parties it is hereby ORDERED that the that the above-captioned case be reversed and remanded for further administrative proceedings. Upon remand, the Administrative Law Judge (ALJ) will further consider the opinions of the treating, examining and non-examining sources, specifically, Rogelio S. Aragoza, M.D., Agnes Kocsis, M.D., and Thomas Clifford, Ph.D.; consider all areas Plaintiff's functioning in regard to his non-exertional impairment; articulate the weight give to these opinions and explain the reasons given for said weight. The ALJ will also address the lay witness evidence regarding Plaintiff's

1 activities of daily living and provide rationale that explains the weight accorded to the lay witness
2 evidence. If lay witness testimony is rejected, the ALJ will provide reasons that are germane to
3 each lay witness whose testimony is rejected. If warranted by the record, the ALJ will obtain
4 evidence from a medical expert to clarify the record concerning Plaintiff's functioning in regard to
5 his mental impairment. The ALJ will reassess Plaintiff's residual functional capacity, and obtain
6 evidence from a vocational expert to clarify the record concerning the impact of Plaintiff's
7 residual functional capacity upon the occupational base. As necessary, the ALJ will clearly define
8 the terms used in the hypothetical question that articulate the degree of limitation in terms of
9 duration, frequency, and severity, and resolve any discrepancies between the occupational
10 evidence provided by the vocational expert and information in the Dictionary of Occupational
11 Titles and its companion publication, the Selected Characteristics of Occupations, as required by
12 Social Security Ruling 00-4p.

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15 This Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C.
16 § 405(g) with a remand of the cause to the Commissioner for further proceedings. See
17 Melkonyan v. Sullivan, 501 U.S. 89 (1991).

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1 DATED this 5th day of May, 2005.

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4 Karen L. Strombom
5 United States Magistrate Judge_
6 UNITED STATES MAGISTRATE JUDGE

7 Presented by:

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